THE HON'BLE SMT.JUSTICE T.MEENA KUMARI

AND

THE HON'BLE SRI JUSTICE K.C.BHANU

–

WRIT PETITION No. 21697 OF 2005

–

Dt: 17.10.2005

Between:

Rasedha Khatoon, W/o.Yousaf, aged 42 years

Occupation Household, R/o.Sultanabad

Karimnagar District … PETITIONER

AND

The Station House Officer, Sultanabad Police Station

Sultanabad, Karimnagar District and another … RESPONDENTS

THE HON'BLE SMT.JUSTICE T.MEENA KUMARI

AND

THE HON'BLE SRI JUSTICE K.C.BHANU

WRIT PETITION No. 21697 OF 2005

ORDER: (per the Hon'ble Smt.Justice T.Meena Kumari)

This is a taken up Writ Petition basing on the Telegram dated 28.09.2005 sent by the petitioner complaining that the Police of Sultanabad Police Station, Karimnagar District arrested her son on 25.09.2005 at 7.00 a.m. without any complaint and charge and seeking a direction to the respondents to produce her son viz., Mr.Hathique before the Judicial Magistrate of First Class, Sultanabad, Karimnagar District and to set him at liberty forthwith.

Learned Advocate General took notice on behalf of the respondents and filed counter-affidavit of the Sub Inspector of Police, Sultanabad Police Station, Karimnagar District.

It is stated in the counter-affidavit that on 16.03.2005 at about 4.30 hours, one Burra Kumara Swamy lodged a complaint stating that on the intervening night of 6/7.3.2005 between 21 hours and 0500 hours, some unknown offenders committed theft of his Motor cycle worth Rs.32,000/- which was parked in front of his house. Basing on the said complaint, a case in Crime No.35 of 2005 under Section 379 I.P.C. of Sultanabad Police Station was registered and investigation was taken up. During the course of investigation, on receipt of reliable information on 02.10.2005, the first respondent proceeded to Srirampur X Road situated at Sultanabad and arrested the alleged detenu at 2020 hours and in his confessional statement, the alleged detenu has stated that he has committed the above offence along with one Ganesh and the stolen vehicle is with the said Ganesh. The alleged detenu was brought to the Police Station and after complying with all the formalities of arrest, he was produced before the Judicial First Class Magistrate, Peddapalli who is in-charge of Judicial First Class Magistrate, Sultanabad since Judicial First Class Magistrate, Sultanabad was on leave. The learned Magistrate remanded him to judicial custody. Pursuant to the said remand order, the alleged detenu is lodged in District Jail, Karimnagar. It is further stated that it is not correct to state that the alleged detenu was arrested on 25.09.2005 at 7.00 a.m. without any complaint and charge. As stated above, the complaint itself was registered on 16.03.2005 and during the course of investigation, the alleged detenu was arrested on 02.10.2005 and was produced before the concerned Magistrate within the stipulated time.

Recording the above statement, the Writ Petition is dismissed.

(T.MEENA KUMARI, J)

(K.C.BHANU,J)

Dt: 17.10.2005

bsv/lvl